

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

First named inventor: Ham
 Application No: 10/076,164
 Filed: February 13, 2002
 Title: Ear Clasp Headset

Attorney Docket No. 01-7040
 Art Unit: 2643
 Examiner: Unknown

I hereby certify that this correspondence is being transmitted by facsimile on April 29, 2003 to the United States Patent and Trademark Office at (703)308-6916.

Signed: Michael Rodriguez
 Michael Rodriguez

Attention: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration of date of the period set for reply in the Office notice or action plus an extensions of time actually obtains.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

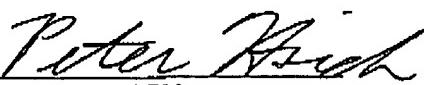
- (1) Petition Fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant application filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
 - Small entity fee \$650 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 - Other than small entity – fee \$1300 (37 CFR 1.17(m)). Please charge the petition fee of \$1300 to Deposit Account No. 50-2315 (Order No. 01-7040).
2. Reply and/or fee
 - A. Request to Rescind Previous Nonpublication Request 35 USC 122(b)(2)(B)(ii) (1 page) is enclosed herewith. A prior Request to Rescind Previous Nonpublication Request was filed but did not include the Note serving as notice of subsequent foreign or International filing.
 - B. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):
 - has been filed previously on _____.
 - is enclosed herewith.
 - C. The issue fee of \$ _____
 - has been paid previously on _____.
 - is enclosed herewith.
3. Terminal disclaimer with disclaimer fee
 - Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
 - A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

12/01/2003 AKELLEY 0007 502315
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4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

April 29, 2003
Date

Signed: 
Peter Hsieh, Reg. No. 44,780
Plantronics, Inc.
345 Encinal Street
P.O. Box 635
Santa Cruz, CA 95060-0635
Telephone: (831) 458-7758
Facsimile: (831) 426-2965

Enclosures: Fee payment (Charge to Deposit Account, see above)
 Reply
 Terminal Disclaimer Form
 Additional Sheets containing statement establishing unintentional delay
 Other: Request to Rescind Previous Nonpublication Request 35 USC 122(b)(2)(B)(ii) (1 page).

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PTO/SB/21 (08-02)

Approved for use through 10/31/2002, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

10/076,164

Filing Date

February 13, 2003

TAX RECEIVED

First Named Inventor

Ham

APR 30 2003

Group Art Unit

2900

GROUP 1600

Examiner Name

unknown

Total Number of Pages In This Submission

Attorney Docket Number

01-7040

ENCLOSURES (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal to Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

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Technology Center 2600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Peter Hsieh

Signature



Date

4/29/03

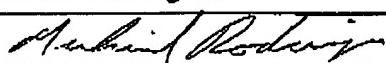
CERTIFICATE OF FACSIMILE TRANSMISSION

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Typed or printed name

Michael Rodriguez

Signature



Date

4/27/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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